STATE OF NEW YORK

2796

2023-2024 Regular Sessions

IN ASSEMBLY

January 27, 2023

Introduced by M. of A. PAULIN, DINOWITZ, KELLES, SEAWRIGHT, SILLITTI, THIELE, ZEBROWSKI, J. M. GIGLIO, McDONOUGH, AUBRY -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to fingerprinting employees of informal child care providers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The social services law is amended by adding a new section 390-n to read as follows:

§ 390-n. Fingerprinting employees of informal child care providers. 1. For purposes of this section, "informal child care provider" means a program in a facility, other than a residence, in which child care is provided on a regular basis and is not required to be licensed by or registered with the office or licensed by the city of New York. Informal child care providers include, but are not limited to:

(a) nursery schools and programs for pre-school-aged children operated by non-profit agencies or organizations or private proprietary agencies which provide services for three or less hours per day;

(b) child care programs caring for not more than six school-aged children during non-school hours. For purposes of this paragraph, "school-aged children" means children under thirteen years of age who are enrolled in kindergarten or a higher grade;

(c) child care programs caring for toddlers from eighteen months to thirty-six months of age for three or less hours per day; and

(d) child care programs caring for infants up to eighteen months of age for three or less hours per day.

2. Any informal child care provider may, as a condition of securing employment or of continuing employment, require that all of its employees be fingerprinted. Such fingerprints shall be submitted to the division of criminal justice services for a state criminal history record check, as defined in subdivision one of section three thousand thirty-five of the education law, and may be submitted to the federal bureau of investigation for a national criminal history record check.

§ 2. This act shall take effect immediately.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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